

**A SUBSTITUTE RESOLUTION BY
CITY UTILITIES COMMITTEE**

07-R-2147

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA (“CITY”), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH ZOO ATLANTA, FOR THE INSTALLATION OF FIFTY SEVEN (57) WAYFINDING SIGNS ON THE CITY’S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, Zoo Atlanta wishes to install fifty seven (57) Wayfinding Signs on the City of Atlanta’s (“City”) Right-of-Way; and

WHEREAS, Zoo Atlanta desires to obtain from the City an agreement for the construction, installation, maintenance, repair and replacement of the multiple Encroachments into, and the presence and existence of the Encroachments in the Encroachment Areas; and

WHEREAS, Zoo Atlanta is requesting this permanent construction and maintenance agreement to accomplish the tasks identified above; and

WHEREAS, the City of Atlanta’s Code of Ordinances, Section 138, Article II, requires a Right-of Way Encroachment Agreement for non-conforming uses for the construction and operation of private structures or properties that encroach into and within the public right-of-way for which there is not an applicable agreement; and

WHEREAS, the Department of Public Works has reviewed the plans for the Right-of-Way Encroachments and has determined that the work will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized, on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Non-Conforming Uses, as outlined in Section 138, Article II, of the City’s Code of Ordinances with Zoo Atlanta , for the installation of Fifty Seven (57) Wayfinding Signs, in a form and pursuant to conditions determined by the Commissioner of the City’s Department of Public Works and the City Attorney, to be desirable, appropriate and in the best interests of the City of Atlanta for this transaction.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Encroachment Agreement for Non-Conforming Uses in accordance with Section 138, Article II, of the City’s Code of Ordinances.

BE IT FINALLY RESOLVED, that the Encroachment Agreement for Non-Conforming Uses will not become binding upon the City, and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Zoo Atlanta.

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH ZOO ATLANTA, FOR THE INSTALLATION OF TWENTY (20) WAYFINDING SIGNS ON THE CITY'S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

WHEREAS, Zoo Atlanta wishes to install twenty (20) Wayfinding Signs on the City of Atlanta's ("City") Right-of-Way; and

WHEREAS, Zoo Atlanta desires to obtain from the City an agreement for the construction, installation, maintenance, repair and replacement of the Encroachments into, and the presence and existence of the Encroachments in, the Encroachment Areas; and

WHEREAS, Zoo Atlanta is requesting this permanent construction and maintenance agreement to accomplish the tasks identified above; and

WHEREAS, the City of Atlanta's Code of Ordinances, Section 138, Article II, requires a Right-of-Way Encroachment Agreement for non-conforming uses for the construction and operation of private structures or properties that encroach into and within the public right-of-way for which there is not an applicable agreement; and

WHEREAS, the Commissioner of the Department of Public Works has reviewed the plans for the Right-of-Way Encroachments and has determined that the work will not adversely impact the ability of the affected Rights-of-Way to handle vehicular or pedestrian traffic or otherwise to perform its intended public function.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized, on behalf of the City of Atlanta, to enter into an Encroachment Agreement for Nonconforming Uses, as outlined in Section 138, Article II, of the City's Code of Ordinances, with Zoo Atlanta, for the installation of twenty (20) Wayfinding Signs, in a form and pursuant to conditions determined by the Commissioner of the City's Department of Public Works and the City Attorney, to be desirable, appropriate and in the best interests of the City of Atlanta for this transaction.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Encroachment Agreement for Non-Conforming Uses in accordance with Section 138, Article II, of the City's Code of Ordinances.

BE IT FINALLY RESOLVED, that the Encroachment Agreement for Non-Conforming Uses will not become binding upon the City, and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Zoo Atlanta.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities

Caption: A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH ZOO ATLANTA, FOR THE INSTALLATION OF TWENTY (20) WAYFINDING SIGNS ON THE CITY'S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Council Meeting Date: October 15, 2007

Requesting Dept.: Public Works

B. To be completed by the department :

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Zoo Atlanta intends to install Wayfinding signs on the City of Atlanta's Right-of-Way. The specification of the signs will be the same as those installed by the Central Atlanta Progress. These signs constitute a non-conforming encroachment and they will be maintained by Zoo Atlanta. The number of proposed sign locations is twenty (20). Zoo Atlanta is affiliated with the city so the agreement should be a form of an Inter-Governmental Agreement.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Lorn Whittaker

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Chief of Staff Deadline: September 24, 2007

Anticipated Committee Meeting Date(s): October 10, 2007

Anticipated Full Council Date: October 15, 2007

Legislative Counsel's Signature: Terry Grandison

Terry Grandison

Commissioner Signature: *Sandra Fleming*

(for DCS)

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO ENTER INTO AN ENCROACHMENT AGREEMENT FOR NON-CONFORMING USES, WITH ZOO ATLANTA, FOR THE INSTALLATION OF TWENTY (20) WAYFINDING SIGNS ON THE CITY'S RIGHT-OF-WAY; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____

(date)

Received by LC from CPO: _____

(date)

Received by Mayor's Office: 9-28-07

(date)

Reviewed by: *JS*

(date)

Submitted to Council: _____

(date)